



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

August 12, 2011

Anjela Angove
Alaskan Way Viaduct Replacement Project Office
999 Third Ave, Suite 2424
Seattle, Washington 98104 - 4019

Re: U.S. Environmental Protection Agency (EPA) comments on the Alaskan Way Viaduct Replacement Project (AWVRP) Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation. EPA Project Number: 01-050-FHW.

Dear Ms. Angove:

The EPA has reviewed the AWVRP FEIS and we are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Our December 13, 2010 letter on the AWVRP 2010 Supplemental Draft Environmental Impact Statement (2010 SDEIS), provided detailed comments and recommendations on several environmental concerns as well as areas where we believed the 2010 SDEIS did not contain sufficient information. Overall, changes and additional information in the FEIS are fully responsive to our recommendations. We summarize the reasons for our recommendations and react to your responses below.

Purpose and Need

To more fully disclose purpose and need development for this project, we recommended that the FEIS discuss the reasoning behind not representing the Partnership Process's guiding principles "Create solutions that are fiscally responsible" and "Improve the health of the environment" in the 2010 SDEIS's purpose and need. Your direct response to our comment¹ discloses the reasoning we were hoping to better understand, thank you.

Alternatives Development

To more fully disclose alternatives development for this project, we recommended that the FEIS include additional information on how the 2010 SDEIS's screening criteria differed from the Partnership Process's "Evaluation Measures"². Your inclusion in the FEIS of the document, "Revised Screening of Design Concepts 2010 Update"³, is responsive to our recommendation.

However, we disagree with the FEIS's assertion that "...the criteria for mobility and capacity were not more heavily weighted than the other screening criteria."⁴ According to the document, "Revised

¹ FEIS, Appendix T, p. 10

² 2010 SDEIS, Appendix S, Exhibit 3-3

³ FEIS, Appendix W

⁴ FEIS, Appendix T, p. 11

Screening of Design Concepts 2010 Update”, the Partnership Process I-5, Surface and Transit hybrid scenario was eliminated because, “Mobility for trips to and through downtown would be reduced,...” and “North-south capacity in the transportation system would be reduced,...”.⁵ The 2006 SDEIS Tunnel Alternative (Cut-and-Cover Tunnel Alternative), however, was not eliminated in spite of traffic safety related design deficiencies and major traffic disruptions from construction. Regardless, we respect the importance of mobility and capacity relative to the project’s purpose, appreciate the importance of your updated analysis of the Surface and Transit Hybrid’s effects on mobility, and also understand the need to evaluate alternatives based on their overall ability to meet project purposes.

Air Quality

To help identify which alternative would best protect air quality, we recommended that the FEIS include additional comparative analysis of air quality impacts among alternatives. The 2010 SDEIS is of limited usefulness for comparative analysis of air impacts because the detailed information in Appendix M focused on the Bored Tunnel Alternative compared to existing conditions. New quantitative Mobile Source Air Toxic (MSAT) analyses for the Cut-and-Cover Alternative and the Elevated Structure Alternative in the FEIS’s updated Appendix M are responsive to our recommendation and serve to support your overall conclusion that, “The air quality analysis did not indicate a notable difference in emission levels among the alternatives, either for criteria pollutants or MSATs.”⁶

Water Resources

To help identify which alternative would best protect water resources, we recommended that the FEIS include additional comparative analysis of water resource impacts among alternatives. The 2010 SDEIS is of limited usefulness for a comparative analysis of water impacts because the detailed information in Appendix O focused on the Bored Tunnel Alternative compared to existing conditions and the Viaduct Closed Alternative. New quantitative land use change and annual pollutant loading analyses for the Cut-and-Cover Alternative and the Elevated Structure Alternative in the FEIS’s updated Appendix O is responsive to our recommendation and serves to support your overall conclusion that all build alternatives would be expected to improve water quality.

Multi-modal Enhancements

To address our concern about potential increases in transit travel times to and from downtown, we recommended that the FEIS discuss potential mitigation measures for impacts to transit from tolling. We also recommended that the FEIS include additional information on the likelihood that reasonable optimization measures for tolling would adequately mitigate adverse impacts on transit. Additional information in the FEIS on mitigation measures for impacts from tolling, such as “Potential Strategies to Reduce Traffic Diversion” and “Potential Strategies to Manage Diverted Traffic”⁷, are responsive to our recommendation. The Tolling Advisory Committee’s work, as described in the FEIS and in Exhibit E of the Memorandum of Agreement No. GCA 6486, accounts for our interest in adaptive management features which aim to ensure the effectiveness of tolling and traffic optimization measures.

Environmental Justice

To reduce the risk of adverse impacts to low income and minority populations from construction, we recommended that the FEIS integrate in all action alternatives the full suite of mitigation measures

⁵ p. 19-20

⁶ FEIS, p. 158

⁷ FEIS, p. 216

proposed for (i) "Neighborhoods and Community Services" and "Environmental Justice" on page 158 of the 2010 SDEIS, and, (ii) "Social and Employment Services" and "Environmental Justice" in section 6.2 of 2010 SDEIS Appendix H. The mitigation measures presented as answers to questions 5, 20 and 21 in Chapter 8 of the FEIS are responsive to our recommendation.

Thank you for this opportunity to comment and if you have any questions or concerns please contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov. You may contact me at (206) 553-1601.

Sincerely,

A handwritten signature in blue ink that reads "Christine B. Reichgott". The signature is written in a cursive style with a large, stylized "C" and "R".

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

